

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

COMPLAINT OF eGIX NETWORK)
SERVICES, INC. PURSUANT TO 170)
IAC 7-7 FOR EXPEDITED REVIEW)
OF A DISPUTE WITH INDIANA BELL)
TELEPHONE COMPANY, INC. d/b/a)
SBC INDIANA CONCERNING ITS)
FAILURE TO INTERCONNECT)
WITH ENS UNDER A COMMISSION)
APPROVED INTERCONNECT)
AGREEMENT)

FILED

SEP 17 2003

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 40572-INA-0140ND-RD 01

RESPONDENT:)
INDIANA BELL TELEPHONE)
COMPANY, INC. d/b/a SBC INDIANA)

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On September 2, 2003, eGIX, Indiana, Inc. ("ENS") filed its *Complaint* against Indiana Bell Telephone Company, Inc., d/b/a SBC Indiana ("SBC") under 170 IAC 7-7-1, *et seq.*, the Commission's Expedited Procedure for Resolving Interconnection Disputes Between Telecommunications Carriers. ENS also filed a *Request for Confidential Treatment of Information* regarding certain financial information, supported by an affidavit of Steven Johns, CEO of ENS. In his affidavit, Mr. Johns stated that the financial documents at issue are not publicly available, that ENS takes reasonable precautions to maintain and protect the confidentiality of the information, and believes that the materials should be protected as proprietary and a trade secret.

The Presiding Officers, having reviewed the information contained in the Petitioner's Motion and Affidavit, finds that there is a sufficient basis for a preliminary finding that confidential procedures are appropriate and should be followed concerning the Confidential Information to be submitted in this Cause. Accordingly, the Petitioner shall *hand deliver to the Presiding Administrative Law Judge*, a single sealed copy of Confidential Information that includes the Cause No. and is marked as CONFIDENTIAL, and such information shall be treated as confidential on a preliminary basis in accordance with IC § 5-14-3-4.

In addition, at the time ENS filed its complaint, it redacted large parts of its complaint, marking them "Confidential." Pursuant to 170 IAC 7-7-4, a complaint filed pursuant to the expedited processing schedule

Shall contain ...

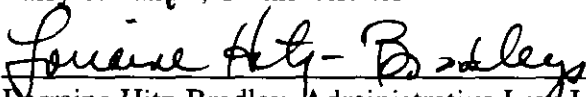
- (1) A detailed statement of the facts supporting the complainant's position and demonstrating that despite good faith efforts, the complainant was unable to resolve its dispute with the respondent. The statement of facts must be: (A) supported by testimony or affidavits; and made by persons with personal knowledge of the relevant facts.
- (2) A statement of facts specifying each violation of the commission order or commission approved interconnection agreement committed by the respondent.
- (3) A statement of applicable law, supported by appropriate citations.
- (4) A statement indicating whether the remedy sought is consistent with the dispute resolution provisions of any interconnection agreement between the parties or other commission order, if applicable.
- (5) An affirmation that the complainant provided written notice as required in section 3(a) of this rule.
- (6) The name, address, and telephone number of complainant's attorney, including local counsel.
- (7) A copy of the interconnection agreement or the portion of the interconnection agreement that the complainant contends was or is being violated. If a copy of the entire interconnection agreement is provided, the complainant must specify the provisions at issue. If the interconnection agreement was adopted as a prior agreement or a portion of a prior agreement, the complaint must also indicate the provisions adopted in that agreement.

The Presiding Officers, having reviewed the information contained in the Petitioner's Complaint, find that by providing a complaint containing redacted portions, ENS' complaint fails to meet these requirements. Accordingly, ENS shall file a complete complaint, with full exhibits, by September 22, 2003.

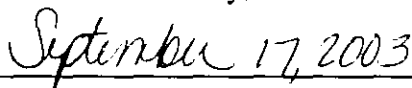
IT IS SO ORDERED.



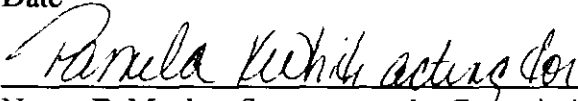
Larry S. Landis, Commissioner



Lorraine Hitz-Bradley, Administrative Law Judge



Date



Nancy E. Manley, Secretary to the Commission